

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TRACY BARBER

Plaintiff,

vs.

1:13-CV-0331 (NAM/RFT)

STATE OF NEW YORK,

Defendant.

APPEARANCES:

TRACY BARBER
LAST KNOWN ADDRESS
Plaintiff, *Pro Se*

Norman A. Mordue, U.S. District Court Judge

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed on the 9th day of April 2013. Following fourteen days from the service¹ thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections having been submitted thereto, it is hereby

ORDERED that the Report-Recommendation (Dkt. No. 9) is accepted in its entirety, and it is further

ORDERED that the Plaintiff's entire Complaint is dismissed pursuant to 28 U.S.C. §

¹ The Report-Recommendation was mailed by certified mail to plaintiff at the address listed on the complaint, which was returned as undeliverable as the forwarding time had expired. The Clerk reserved the Report-Recommendation at the forwarding address from the USPS label, and that was returned as undeliverable as "not deliverable as addressed".

1915(e)(2)(B)(ii) for failing to state a claim upon which relief can be granted unless, the plaintiff files an Amended Complaint consistent with the Report-Recommendation on or before July 12, 2013, and it is further

ORDERED that in the event an Amended Complaint is not filed, the Clerk of the Court enter judgment and close this action on July 12, 2013, and it is further

ORDERED that the Clerk of the Court shall serve a copy of this order upon plaintiff by regular mail at the last known address.

IT IS SO ORDERED.

Date: June 11, 2013


Honorable Norman A. Mordue
U.S. District Judge

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